

# **Exhibit B**

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**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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ZEBEDIAH GEORGE DALTON;  
BLUERIBBON COALITION; KYLE  
KIMMERLE; and SUZETTE RANEA MORRIS;

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official capacity  
as President of the United States; DEBRA A.  
HAALAND, in her official capacity as Secretary  
of Interior; DEPARTMENT OF THE  
INTERIOR; TRACY STONE-MANNING, in  
her official capacity as Director of the Bureau of  
Land Management; BUREAU OF LAND  
MANAGEMENT; THOMAS J. VILSACK, in  
his official capacity as Secretary of Agriculture;  
DEPARTMENT OF AGRICULTURE; RANDY  
MOORE, in his official capacity as Chief of  
the United States Forest Service; and UNITED  
STATES FOREST SERVICE,

*Defendants.*

Civil Action No. 4:22-cv-0060-DN

Hon. David Nuffer

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**DECLARATION OF VAUGHN HADENFELDT IN SUPPORT OF INTERVENTION  
BY FRIENDS OF CEDAR MESA**

1. My name is Vaughn Hadenfeldt. I submit this Declaration on behalf of Friends of Cedar Mesa in support of intervention by the Proposed UDB Intervenors (Utah Diné Bikéyah), Friends of Cedar Mesa, Archaeology Southwest, Conservation Lands Foundation, Inc., Patagonia Works, The Access Fund, National Trust for Historic Preservation, and the Society of Vertebrate Paleontology in the above-captioned matter.

2. I am a citizen of the United States and a full-time resident of Bluff, Utah, where I have lived since 1996.

3. Friends of Cedar Mesa is a 501(c)(3) non-profit organization headquartered in Bluff, Utah. Its address is PO Box 338, 567 West Main St., Bluff, Utah 84512.

4. I am a founding member of Friends of Cedar Mesa. I have served on Friends of Cedar Mesa's board of directors since 2011 and was President of the board of directors from 2014 until 2022.

5. For approximately 30 years and until 2020, I also owned Far Out ExpeditionS<sup>®</sup>, a company that guided visitors through the backcountry of southeastern Utah, including in areas of the Bears Ears National Monument, to mesas and canyons to showcase the archaeology and interpret the cultural and natural history of the sites. In 2020 I retired from guiding and closed Far Out ExpeditionS. As explained more below, I continue to visit the Bears Ears region on a regular basis, both for personal enjoyment and to advance the interests of Friends of Cedar Mesa. This includes continuing to guide staff, donors, indigenous groups, government officials, and other individuals and interested parties on a non-commercial basis through Friends of Cedar Mesa.

6. I attended Colorado State University, where I majored in anthropology.

7. Following college, my career has centered around southwest United States archaeology with a specific focus on the greater Bears Ears region, which includes the Bears Ears buttes, Cedar Mesa, and the surrounding region which possesses a strong cultural association with the Ancestral Puebloans who originally inhabited the area. The Bears Ears butte, Cedar Mesa, and the surrounding, connected region is all included within the boundaries of the Bears Ears National Monument as designated by President Biden on October 8, 2021 (the "Biden Proclamation"). This

area was included within the original boundaries of the Bears Ears National Monument designated by President Obama on December 28, 2016 (the “Obama Proclamation”). However, a significant portion of the greater Bears Ears area was subsequently excluded from the monument’s boundaries as a result of President Trump’s December 4, 2017 Proclamation revoking the Bears Ears National Monument and replacing it with the Indian Creek and Shash Jaa units (the “Trump Proclamation”). Since 1980, I have worked with leading local archaeologists on documentation and excavation projects throughout the greater Bears Ears region.

8. This declaration is organized into six sections. Section I sets forth my background and expertise. Section II discusses Friends of Cedar Mesa’s interests in the Bears Ears National Monument. Section III discusses my personal and professional interest in the Bears Ears National Monument. Section IV explains how Friends of Cedar Mesa was harmed when President Trump reduced the boundaries of the Bears Ears National Monument. Section V explains how I was personally injured by President Trump’s reductions to the Bears Ears National Monument. The injuries discussed in sections IV and V were at least partially addressed when President Biden restored the Bears Ears National Monument. Finally, section VI explains how both Friends of Cedar Mesa and I would be injured if the Plaintiffs prevail in their challenge to President Biden’s restoration of the Bears Ears National Monument. .

#### **I. Background and Expertise**

9. Through my involvement in Friends of Cedar Mesa, I have worked actively to conserve the greater Bears Ears region, a region internationally renowned for its canyons and archaeology. As a board member, and former President of the board of directors for Friends of Cedar Mesa, I participate in and exercise general supervision over all board affairs and assist the

board in developing policies for Friends of Cedar Mesa. In my capacity as a board member, I vote on board resolutions regarding administrative matters, such as approving Friends of Cedar Mesa's operating budget and developing and approving the organization's strategic plan. As a board member, I also exercise control over the hiring and appointment of the Executive Director for the organization. In this manner, I am actively involved in directing the future and mission of the organization's activities. I am also a financial contributor to Friends of Cedar Mesa. I have given the organization direct cash donations and have also annually donated business services, through my company Far Out ExpeditionS, to the Friends of Cedar Mesa's annual fundraising campaign. These donations to Friends of Cedar Mesa have also included many day hikes for donors and supporters. For example, I have contributed multiple guided field trips to groups of tribal representatives from the Pueblos of New Mexico. I continue to support Friends of Cedar Mesa by guiding organizational supporters as well as federal, state, local, and tribal government leaders on walking tours of the greater Bears Ears region.

10. I spend a significant amount of time—typically over 100 days per year—hiking in the Bears Ears region, both in my professional capacity as an outfitter and guide and for my own personal recreational, spiritual, and aesthetic enjoyment. While I no longer guide professionally, I intend to continue guiding organizational supporters as well as federal, state, local, and tribal government leaders on walking tours of the greater Bears Ears region. I also intend to continue pursuing recreational activities in the greater Bears Ears region in the future to enjoy, explore, and study its uniquely abundant and well-preserved resources.

## **II. Friends of Cedar Mesa—Interest in the Bear Ears National Monument**

11. Friends of Cedar Mesa was founded in 2010 to foster stewardship and advocacy for the greater Bears Ears region, with a focus on protecting cultural resources. Friends of Cedar Mesa works to protect and build respect for the cultural and natural landscapes of the greater Bears Ears region.

12. Friends of Cedar Mesa has a significant interest in the Bears Ears National Monument. The Monument helps define our geographic area of interest, and protecting it is a core part of our mission.

13. Over the course of many years, Friends of Cedar Mesa has observed damage to cultural resources in the Bears Ears region that was caused by looting, vandalism, inadequate signage or protective barriers, illegal off-road vehicles, and careless visitors. The damage to the cultural treasures in this area has stemmed primarily from a rapid growth in visitation, chronic underfunding and understaffing of the U.S. Bureau of Land Management (BLM) and U.S. Forest Service, and the lack of policy direction sufficient to elevate resource stewardship above other uses. Underfunding and understaffing result in inadequate facilities (i.e., signage, parking and restrooms) and insufficient personnel to adequately conduct visitor education and resource protection. I fear that the cultural and ecological resources within the greater Bears Ears region will continue to suffer damage unless concrete steps are taken to protect the landscape and its resources.

14. Advocating for permanent protection of the greater Bears Ears region has been a core focus of Friends of Cedar Mesa since it was founded in 2010. In 2013, Friends of Cedar Mesa began focusing its efforts on advocating for permanent protection of Cedar Mesa through

designation as a national conservation area or national monument to ensure land agencies prioritize conservation, dedicate additional funding and staff resources, and create legal and policy protections for the area. Friends of Cedar Mesa proposed a Cedar Mesa National Conservation Area in 2014. Friends of Cedar Mesa then participated in the San Juan County Public Lands Council to develop a Bears Ears National Conservation Area proposal as part of Representative Rob Bishop's Public Lands Initiative process. Our representatives attended more than 20 meetings in total and traveled to Washington, D.C., on three separate occasions to support protections for the greater Bears Ears region through congressional legislation. However, when the Public Lands Initiative bill was introduced in 2016, it reduced on-the-ground protections from those we had proposed, left certain archaeological areas unprotected, and handed the State of Utah control over energy leasing on public lands. At that point, Friends of Cedar Mesa transitioned to advocating for the proposal put forward by the Bears Ears Inter-Tribal Coalition for a 1.9 million-acre Bears Ears National Monument.

15. As part of its efforts to support monument designation, Friends of Cedar Mesa undertook a tremendously detailed project to identify archaeological resources in this area—true objects of antiquity. The culmination of this project was a 300-plus page report written by Friends of Cedar Mesa staff detailing the archaeological resources within the Bears Ears National Monument area. This project was an enormous commitment. It took hundreds of hours to complete, and represented an aggregation of the organization's on-the-ground knowledge of cultural resources in the greater Bears Ears region.

16. Friends of Cedar Mesa also organized many letters and petitions to the government in support of a permanent protective designation for Bears Ears. Specifically, Friends of Cedar

Mesa: organized a petition of professional and avocational archaeologists supporting the permanent protection of the greater Bears Ears region, and a second petition advocating for the designation of the Bears Ears National Monument; helped organize and sign a combined recreation industry and conservation community letter in support of the Bears Ears National Monument; initiated letters in support of the Bears Ears National Monument on behalf of the Business Owners of Bluff, of which Friends of Cedar Mesa is a member; organized a letter in support of the Bears Ears National Monument from the elected governing body of Bluff, the Bluff Service Area; and sent a letter to Representatives Rob Bishop and Jason Chaffetz opposing the Public Lands Initiative and supporting the Bears Ears National Monument.

17. Between 2013 and 2016, Friends of Cedar Mesa committed substantial financial and staff resources to permanently protecting the Bears Ears region and its cultural resources. In total, Friends of Cedar Mesa estimates it dedicated at least 40% of its staff time and financial resources, over the course of four years, in support of a permanent protective designation for the greater Cedar Mesa area. That process ultimately culminated in President Obama's 2016 proclamation creating the Bears Ears National Monument.

18. In December 2017, following the announcement of President Trump's proclamation dramatically reducing the size of Bears Ears National Monument, Friends of Cedar Mesa joined Utah Diné Bikéyah, Archaeology Southwest, Conservation Lands Foundation, Inc., Patagonia Works, The Access Fund, National Trust for Historic Preservation, and the Society of Vertebrate Paleontology as plaintiffs in a lawsuit filed in the United States District Court for the District of Columbia challenging the Trump Proclamation. That lawsuit alleged that the Trump Proclamation exceeded the President's authority under the Antiquities Act and sought a declaration



that the Trump Proclamation was unlawful. Friends of Cedar Mesa, along with its partner organizations, have been part of that litigation for nearly four years. That litigation remains pending in the District of Columbia.

19. Friends of Cedar Mesa also undertook considerable advocacy efforts in the leadup to the Biden Proclamation. Friends of Cedar Mesa advocated for the restoration of Bears Ears in multiple ways and on a number of levels prior to the announcement of the Proclamation, including regularly coordinating with partners and publicly engaging supporters. Friends of Cedar Mesa offered information and engaged in knowledge sharing with the Bears Ears Inter-Tribal Coalition regarding cultural resources, visitation issues and trends, as well as reports of on-the-ground impacts.

20. Beyond this, Friends of Cedar Mesa was critical in providing information in a presentation to the U.S. Department of Interior as part of the ordered review of the boundaries and conditions of the Bears Ears landscape. We informed agency leaders about cultural resources in the region, both in the original boundaries and the 1.9-million-acre boundaries as originally proposed by Tribes. Furthermore, Friends of Cedar Mesa was integral in providing advance information for Interior Secretary Deb Haaland's trip to Bears Ears in April 2021. Friends of Cedar Mesa hosted Secretary Haaland, and Friends of Cedar Mesa's former executive director spent the following day with Secretary Haaland, Utah lawmakers, and Tribal leaders on the landscape.

### **III. Personal and Professional Interest in the Bears Ears National Monument**

21. I have a significant personal interest in the Bears Ears National Monument and have been visiting and exploring the greater Bears Ears region since 1980. After first visiting in 1980 on a backpack trip with a former BLM Grand Gulch Ranger, I soon became involved with research

projects documenting historic and prehistoric cultural resources in the region. I have led guided expeditions in the greater Bears Ears region since the 1980s, beginning under the auspices of the Colorado Mountain Club and the White Mesa Institute (then a Cultural Studies division of the College of Eastern Utah). In 1996, I moved to Bluff, Utah and started my own expedition company. My expeditions focused on leading visitors, who travel to Cedar Mesa from around the world, to archaeological sites located throughout the red rock desert, mesa tops, canyons and forests of the Bears Ears region and interpreting the archaeological, natural, and cultural resources found there. My expedition company focused almost exclusively on lands that are contained in the President Biden-designated Bears Ears National Monument, or in adjacent areas that were part of the lands proposed to be protected by the Bears Ears Inter-Tribal Coalition.

22. In both my personal capacity as a professional guide and President of the board of directors for Friends of Cedar Mesa, I have advocated for protecting the Bears Ears and Cedar Mesa area and helped support the proposal to designate the area as a national monument. Besides devoting countless hours of my personal time to promote Friends of Cedar Mesa, Far Out ExpeditionS contributed significant resources to the Friends of Cedar Mesa's mission. Far Out ExpeditionS also was the field camp manager for a research project conducted in Grand Gulch, a once artifact-rich area within the President Biden-designated Bears Ears National Monument; we donated several guided trips for fundraising efforts; and our commercial guesthouse was offered at no charge for visitors working on Friends of Cedar Mesa projects. In support of Friends of Cedar Mesa efforts, Far Out ExpeditionS also provided transportation and interpretation throughout the area for visiting dignitaries, including former Secretary of the Interior Sally Jewell and other

government officials, to help highlight the importance of the archaeological and cultural sites found in the Bears Ears National Monument, as designated by President Biden.

23. I became deeply concerned about the increasing damage to the cultural resources of the greater Bears Ears region in the absence of monument protection. Prior to the establishment of the Bears Ears National Monument in 2016, I personally witnessed damage to cultural resources by intentional acts such as vandalism, looting, grave robbing, as well as inadvertent acts caused by unmanaged visitation. Many damaged or threatened resources were incorporated within the boundaries of the Bears Ears National Monument under the Obama Proclamation, and subsequently incorporated within the boundaries under the Biden Proclamation. I believe that without the added protections afforded by a national monument designation, a number of these cultural resources will be lost forever.

24. During my former tenure as President of the board of directors and current board service, there have been dozens of times in which Friends of Cedar Mesa discovered, reported, or responded to incidents of vandalism and looting in areas that were ultimately included by President Obama as part of the Bears Ears National Monument. For example, in January of 2016, locals discovered a petroglyph partially removed from the wall with a rock saw and chisel at Sacred Mesa near Bluff. In addition, on April 3, 2016, Friends of Cedar Mesa visited an area where an illegal ATV rider intentionally rode off-route through archaeological sites in the Lower Fish Creek Wilderness Study Area. Exhibit A, attached to this Declaration, contains a comprehensive looting and vandalism fact sheet developed by Friends of Cedar Mesa in 2016. At a meeting with the BLM in 2016, the Monticello Field Office reported that they investigated 25 incidents of vandalism or

looting between October 2011 and April 2016, but I am personally familiar with at least 6 incidents in just 2016.

25. Since 2016, several additional instances of vandalism have occurred in areas within in the President Obama-designated Bears Ears National Monument. For example, Friends of Cedar Mesa has learned of the following forms of vandalism: mud smeared across two hand-print pictographs; historic engravings linked to a late-19<sup>th</sup> Century expedition rubbed off of a sandstone wall; evidence of digging in a midden area and several other sacred sites; pieces of wood from a sweat lodge removed from their place and used as firewood; charcoal graffiti found on a boulder containing petroglyphs and metates; a large piece of an adobe wall broken loose; rocks moved from their places in a sacred site; a stick figure and swastika scratched into the wall and floor of an alcove, respectively; and figures scratched into a sand dune panel.

26. In addition to overt acts of vandalism and looting, the greatest threat that I perceive to the cultural resources of Cedar Mesa and the greater Bears Ears region is damage caused through improper visitation. During my extensive time visiting and documenting the cultural resources of the areas, I have witnessed significant damage caused by visitors because they are not adequately educated and there are not sufficient management resources in place identifying and protecting these resources. For example, it is not uncommon to witness hikers enter ruins with dogs or metal-tipped hiking poles, or who touch rock art. Visitors also regularly walk over and through the middens that are often found adjacent to archaeological sites. Middens are the refuse piles left by former inhabitants and are often rich with cultural artifacts. Many of the middens at sites throughout the Cedar Mesa are not marked and thus visitors are not provided with affirmative designations informing them not to walk through these areas. This is the exact type of damage that

would be alleviated by focused management and additional resources, and that would be more difficult to secure if the plaintiffs prevail in their challenge to the Biden proclamation.

#### **IV. Friends of Cedar Mesa's Injury from the Trump Proclamation**

27. When President Obama issued his proclamation establishing the Bears Ears National Monument on December 28, 2016, Friends of Cedar Mesa hailed the news as a significant step toward protecting the cultural resources of the area and one that furthered its mission by allowing it to move forward with on-the-ground stewardship work within the monument boundaries. The establishment of the Bears Ears National Monument meant that more of Friends of Cedar Mesa's resources would be available to protect and conserve the area. And the increased protections for the landscape and cultural resources within it greatly enhanced the sustainability of those assets as well as my continued enjoyment of the area.

28. The Trump Proclamation, which revoked national monument status for Cedar Mesa and other areas previously contained within the Bears Ears National Monument, significantly affected Friends of Cedar Mesa's mission and its ability to carry out its strategic plan.

29. For example, Friends of Cedar Mesa had decided as part of its strategic plan to campaign against increased oil and mineral exploration in the Bluff Bench and Montezuma Canyon areas by organizing public meetings, actions, and actively advocating for a Master Leasing Plan process. As a result of the Trump Proclamation, Friends of Cedar Mesa had to redirect staff hours and financial resources away from this campaign to efforts to protect the Bears Ears National Monument designation. Support for a tree-ring-dating archaeological research project was also indefinitely delayed because Friends of Cedar Mesa had to redirect the designated fundraising and time of our staff members to continue advocacy efforts in support of national monument

designation. President Trump's decision to revoke the Bears Ears National Monument and replace it with the Indian Creek and Shash Jaa units also created a need and urgency for Friends of Cedar Mesa to provide visitor information for the Cedar Mesa area since the Trump Proclamation removed the BLM's two visitor outreach stations (i.e., BLM Kane Gulch Ranger Station and BLM Sand Island Station) from the monument boundaries.

30. As a result of the Trump Proclamation, Friends of Cedar Mesa had to redirect staff time and funding to initiate an unplanned fundraising campaign and hire new staff to open a Bears Ears Education Center in Bluff, Utah, the gateway to the original Bears Ears National Monument. Friends of Cedar Mesa began fundraising for the Education Center in October of 2017 in anticipation of President Trump's revocation of the Bears Ears National Monument. Friends of Cedar Mesa purchased a building to renovate in January 2018 without having the time to fully fundraise for the endeavor. Without changes to the Bears Ears National Monument, the BLM and Forest Service would likely have taken a more prominent role in visitor engagement and Friends of Cedar Mesa would not have had to purchase and renovate a building, hire a manager for the building, and redirect staff time away from Friends of Cedar Mesa's various stewardship and research programs and its oil and gas advocacy work during 2018. The Bears Ears Education Center has cost Friends of Cedar Mesa nearly \$700,000 in total including exhibits, and was completed in 2018.

31. For example, Friends of Cedar Mesa had planned, and budgeted for, the production of two educational videos on "Visit with Respect" practices. Friends of Cedar Mesa also budgeted and planned to spearhead a "Visit with Respect" signage campaign to be implemented in coordination with land-management agencies. Because of the staff resources Friends of Cedar

Mesa was forced to dedicate to monument litigation and the Education Center campaign, it was unable to complete either of these planned objectives and was unable to return to these projects while the Trump Proclamation was in effect.

32. Following the Trump Proclamation, I observed significantly fewer BLM rangers in the field. In years past, I would regularly encounter rangers during guided trips, but during the 2019 and 2020 guiding seasons I did not encounter even a single ranger. All of my overnight guided trips took place in lands that were excluded from the President Trump-designated national monument by the Trump Proclamation, and the lack of ranger presence on these lands caused a significant impact on the land. BLM rangers were understaffed and overwhelmed by the increased visitation to the area. Due to the increase in visitation, most rangers were forced to spend most of their time dealing with permitting questions in the visitor contact station and had little time for outdoor patrols. When rangers were in the field, their time was devoted largely to the Indian Creek and Shash Jáa units; as a result, the rangers could not adequately address the degradation of the land taking place in the lands that were protected by the Obama Proclamation but that were subsequently excluded from the monument by the Trump Proclamation. Moreover, the rangers were unable to provide education regarding visitor use and stewardship to day visitors. Consequently, the increased number of visitors were having a greater impact on the previously excluded lands as those visits are occurring without the education needed to adequately preserve this fragile land.

33. Following the Trump Proclamation, I also observed increased degradation of the lands excluded from the Bears Ears National Monument. The increase in under-educated visitors to the land has led to visitors and pets roaming in prohibited areas, camp sites in inappropriate

areas and too close to water sources, increased activity near water sources, many groups larger than allowed sizes, increased use of vehicles off permitted routes, expanded parking sites, improper wood gathering in wilderness areas, more fire pits, and an increase in human waste. In one particularly egregious example, I witnessed the result of visitors smearing and scattering cremation ashes on rock art panels at Procession Panel in Comb Ridge and Wolf Man Panel. Each of these damaging incidents would have been less likely to occur if BLM rangers had greater resources to educate casual visitors.

34. As stated above, Friends of Cedar Mesa has learned of multiple episodes of vandalism at sites within the boundaries of the original Bears Ears National Monument from our staff and volunteers. Specifically, Friends of Cedar Mesa has learned of the following forms of vandalism: mud smeared across two hand-print pictographs; historic engravings linked to a late-19<sup>th</sup> Century expedition rubbed off of a sandstone wall; evidence of digging in a midden area and several other sacred sites; pieces of wood from a sweat lodge removed from their place and used as firewood; charcoal graffiti found on a boulder containing petroglyphs and metates; a large piece of an adobe wall broken loose; rocks moved from their places in a sacred site; a stick figure and swastika scratched into the wall and floor of an alcove, respectively; and figures scratched into a sand dune panel.

35. Another example of vandalism involved the unauthorized installation of a ten-foot-tall stainless steel obelisk that was installed on lands within the original Bears Ears National Monument. The obelisk was first reported in 2020, drawing international attention and inspiring



a rush of visitation. Those inspired by the obelisk descended on this fragile landscape using all-terrain vehicles, a helicopter, Jeeps, dirt bikes, and e-bikes.<sup>1</sup>

36. Of particular concern is the increase in looting Friends of Cedar Mesa has observed at archaeological sites excluded by the Trump Proclamation. Many sites that were once rich with artifacts and middens (refuse piles left by former inhabitants, often containing rich troves of artifacts) have been significantly depleted following the Trump Proclamation's exclusion of those sites from the Bears Ears National Monument. For example, Bannister Ruin in Grand Gulch, which was once rich with artifacts, suffered increased looting after it was excluded from the Bears Ears National Monument by the Trump Proclamation. This site once had a large midden pile, which has been reduced to almost nothing as a result of looting. Further, while the site once had a great number of artifacts, many of those artifacts have been removed. Protection over these archaeologically rich sites is vital for ensuring that the artifacts and middens located therein do not face further depletion.

37. President Trump's decision to rescind the Bears Ears National Monument also meant that fewer BLM staff resources were available to work with Friends of Cedar Mesa on projects outside the area protected by the Trump Proclamation, leaving envisioned projects within the greater Bears Ears region—and other areas stripped of monument designation—delayed or permanently canceled.

38. For example, Friends of Cedar Mesa entered into financial assistance agreements with the U.S. BLM and Utah BLM that totaled approximately \$641,000 over 5 years to help protect

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<sup>1</sup> For examples of the unmanaged visitation spurred by the obelisk, *see* Brian Maffly and Zak Podmore, *Utah's mystery desert sculpture: Art or graffito?*, Salt Lake Tribune, Nov. 27, 2020, <https://www.sltrib.com/news/2020/11/27/utahs-mystery-desert/>.

cultural resources in Utah inside and outside of the Bears Ears National Monument. One of these agreements for education and stewardship projects in the greater Bears Ears region required that Friends of Cedar Mesa raise an equal amount of matching funds in order to receive any federal funds. Friends of Cedar Mesa had specific stewardship projects planned for areas within the President Obama-designated national monument boundary that we were prepared to implement in conjunction with these funds, and had already raised the necessary matching funds for these projects. However, BLM requested that we prioritize the use of these funds for projects within the Indian Creek and Shash Jáa units as designated by President Trump, which impeded our ability to carry out projects planned for areas outside these two units.

39. In addition, Friends of Cedar Mesa approached BLM about conducting a cattle-exclusion fencing project in Slickhorn Canyon, a canyon within the original President Obama-designated national monument boundary. I personally witnessed on multiple guided trips that cattle were entering and damaging cultural sites in a canyon that should be closed to the grazing. On December 7, 2017, just days after the Trump Proclamation, BLM indicated its willingness to work on the project with Friends of Cedar Mesa. Subsequently, Friends of Cedar Mesa conducted two field days to collect information and data points on the damage in Slickhorn Canyon and submitted this information to BLM on February 2, 2018, in a draft project proposal. However, on March 19, 2018, BLM informed Friends of Cedar Mesa in an in-person meeting that the project could not move forward because the focus needed to be on monument management planning and on projects within the Indian Creek and Shash Jáa units designated by President Trump. Accordingly, this desperately needed project was unable to move forward following the Trump Proclamation. In comparison, Friends of Cedar Mesa and BLM developed cattle-exclusion fencing projects on

Comb Ridge, located within the Shash Jáa unit; BLM pushed those projects through the National Environmental Policy Act (“NEPA”) process and the cattle-exclusion fencing was constructed by volunteers in less than one year.

40. The Trump Proclamation also impaired Friends of Cedar Mesa’s ability to achieve its conservation goals. Specifically, the Trump Proclamation removed many areas previously contained within the Bears Ears National Monument, including large swaths of Cedar Mesa, from the National Landscape Conservation System (“NLCS”), which meant that these areas could no longer receive the protections afforded to them by Federal law<sup>2</sup> and set forth in the NLCS Strategy. The NLCS Strategy<sup>3</sup> reflects BLM’s mission for the NLCS, which is to “conserve, protect, and restore nationally significant landscapes and places that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” NLCS Strategy at 1. The NLCS Strategy requires BLM “to work in collaboration with tribes, communities, and stakeholders to manage whole landscapes.” *Id.* at 5. This would include working with organizations such as Friends of Cedar Mesa and would result in greater conservation efforts. Following the Trump Proclamation, because the NLCS Strategy did not apply to many of the areas that are the focus of Friends of Cedar Mesa’s conservation efforts, Friends of Cedar Mesa was deprived of the opportunity to work with BLM on an elevated level to manage the Bears Ears landscape.

41. At the same time, by removing Cedar Mesa and other areas from the Bears Ears National Monument and the NLCS, President Trump removed protections against new oil and gas development on those lands. The revocation of national monument status opened up the Bluff area

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<sup>2</sup> Federal law requires that NLCS lands be managed “in a manner that protects the values for which the components of the system were designated.” *See* 16 U.S.C. § 7202(c)(2).

<sup>3</sup> Available at: [www.blm.gov/sites/blm.gov/files/uploads/NLCS\\_Strategy\\_overview.pdf](https://www.blm.gov/sites/blm.gov/files/uploads/NLCS_Strategy_overview.pdf).

(where our employees live) and parts of Cedar Mesa and the Bears Ears area to oil and gas development.

42. A large part of Friends of Cedar Mesa's work is fighting oil and gas development to protect watershed impacts. Friends of Cedar Mesa has retained outside counsel, redirected resources, and spent hundreds of staff hours and board time defending against oil and gas drilling in the greater Bears Ears region. Removing restrictions on oil and gas development created a significant threat of future development, which undermined the effort and resources Friends of Cedar Mesa expended to secure restrictions on development. Areas with oil and gas potential like Cedar Mesa (including the archeological-rich Highway 261 corridor spanning Cedar Mesa, which had an exploratory well as recently as 2016) and Tank Mesa were opened to energy development that could have caused permanent, irrevocable impacts to cultural resources, as well as to the water quality for the Bluff Community. After the Trump Proclamation was announced, instead of assigning previously allocated resources towards stewardship within the President Obama-designated Bears Ears National Monument boundaries and fighting oil and gas and mineral development outside of those boundaries, Friends of Cedar Mesa had to reallocate funds and capacity to review expressions of interest in mineral leasing, BLM lease notices, and associated NEPA documents to determine whether new leases would directly or indirectly impact cultural and ecological resources within the original national monument boundaries. If Friends of Cedar Mesa had not needed to conduct these reviews, it could have instead invested staff time to on-the-ground stewardship efforts, such as the Visit With Respect program, the Site Stewardship program, and other educational efforts.

43. Ultimately, the Trump Proclamation left objects of antiquity throughout Cedar Mesa and other areas throughout the greater Bears Ears region without much needed protection as a national monument. Damage to these cultural and ecological resources in the greater Bears Ears region deeply injures Friends of Cedar Mesa. Preventing such damage is the core of the organization's mission.

**V. Personal Injury from the Trump Proclamation**

44. The Trump Proclamation, which revoked the Bears Ears National Monument and replaced it with the Indian Creek and Shash Jáa units, also injured me personally and professionally. As noted above, I have spent and continue to spend significant amounts of time throughout the greater Bears Ears region, and in particular in the Cedar Mesa area. I visit, hike, and camp throughout the region and derive significant personal, recreational, and aesthetic enjoyment from these pursuits. As a trained anthropologist, with a focus on southwest archaeology, I enjoy both the natural beauty and cultural richness of the greater Bears Ears region and have dedicated my life to exploring, protecting, and sharing these resources. The vast natural beauty and cultural resources contained within the greater Bears Ears region are also important to the work I did as a professional expedition guide. My clients visited the area specifically to see the unspoiled beauty of the area and the unique cultural resources within the greater Bears Ears region.

45. Throughout my time exploring the greater Bears Ears region, I have spent countless nights and days hiking, exploring, and camping in the areas that were expressly stripped of protection under the Trump Proclamation. These areas include: Cedar Mesa, including Grand Gulch, Slickhorn Canyon, John's Canyon, the Highway 261 corridor on top of the Mesa, and Road Canyon; Cottonwood Canyon; Valley of the Gods; Tank Mesa; and Mancos Mesa, the wildest

place in the national monument. I visit all of these areas annually and have definitive plans to visit and guide in all of these areas in 2022 and beyond. For example, during the 2019 guiding season, I spent over three hundred and fifty “user days”—calculated by multiplying the number of days guided by the number of visitors guided—in the greater Bears Ears region, and I spent many more days hiking and exploring for my own personal enjoyment and fulfillment.

46. Stripping these areas of national monument protection threatened the important natural and cultural resources they contain. As discussed in detail above, I have personally witnessed degradation to the cultural resources in this area through vandalism and looting. Designation as a national monument brought with it a promise of additional resources, protection, and the coordinated creation of a management plan that would ensure better management and stewardship of these areas. For example, in addition to the other sites already mentioned, Cottonwood Wash has been particularly prone to looting and vandalism and has historically suffered from a lack of federal management and oversight. Because of its proximity to Bluff, I visit and hike in this area regularly and have personally witnessed the degradation in this area due to a lack of management resources. Inclusion of this area within the President Obama-designated national monument provided it with much needed protection that was removed under the Trump Proclamation.

47. As noted, the Trump Proclamation also removed restrictions on oil and natural gas and other mineral development provided by national monument status, leaving areas I regularly visit open to oil and gas leasing. For example, Tank Mesa—another area near Bluff that I regularly visit to hike—is an important cultural landscape that also sits above the Navajo aquifer, which provides clean drinking water to Bluff’s residents, including myself. Tank Mesa is home to

significant oil and gas resources and could have been opened to leasing under BLM management plans implementing the Trump Proclamation. In fact, industry has previously proposed oil and gas lease sales for lands in the Tank Mesa area prior to their inclusion within the boundaries of the Bears Ears National Monument. Oil and gas development in this area would not only injure my personal, recreational, and aesthetic enjoyment of the area, but would also threaten the water supply on which I rely.

48. The Trump Proclamation also eliminated the mineral withdrawal for all lands contained in the Obama Proclamation. Specifically, the Trump Proclamation removed restrictions on future uranium development in areas of the President Obama-designated national monument that I visit and intend to continue to visit. In particular, the White Canyon and Fry Canyon areas, including areas further south such as Moss Back Butte, are rich in cultural resources and natural beauty. Expansion of existing uranium operations into this area would degrade the landscape, viewshed, and also increase traffic and noise in these areas, thus injuring my recreational, aesthetic, and professional interests.

49. My enjoyment of these trips would be diminished should there be an increase in traffic or visual degradation of the landscape due to expanded mining operations. Similarly, areas on the east side of the President Biden-designated national monument boundaries, just north of my home in Bluff, would be threatened by the expansion of existing mining operations in the White Mesa area. Areas such as Westwater Canyon and Cottonwood Canyon are rich in archeological and cultural resources. I also enjoy these areas for their unspoiled natural beauty. Cottonwood Canyon in particular is an area that I visit often and intend to continue to visit. All of these are areas that Friends of Cedar Mesa specifically advocated to have included in the Bears Ears

National Monument. If the existing uranium development to the east of this area were to expand into these areas, which were excluded from the national monument under the Trump Proclamation, that would injure my recreational, aesthetic, and professional interests through degradation of the landscape, viewshed, increased noise and traffic, and destruction of important archeological and cultural resources.

50. Personally, and as a professional expedition guide, I was reassured by the Obama Proclamation's establishment of the Bears Ears National Monument and its explicit protections for cultural resources. The removal of these protections by the Trump Proclamation injured my personal recreational and aesthetic interests, and it affected my professional ability to educate others and interpret cultural resource in the most archaeologically rich region in the country.

#### **VI. Injury to Friends of Cedar Mesa Stemming from Plaintiffs' Lawsuit Challenging the Biden Proclamation**

51. If Plaintiffs prevail in their lawsuit challenging the Biden proclamation, Friends of Cedar Mesa would experience many of the same harms it suffered after the Trump Proclamation dramatically reduced the size of the Bears Ears National Monument. Should Plaintiffs win their lawsuit, the protections conferred by the Biden proclamation would likely disappear. Even if the Trump Proclamation remained in effect, over 1.1 million acres would lose the protections provided by the Biden Proclamation. That would expose Friends of Cedar Mesa to the same harms it experienced following the Trump Proclamation.

52. The Biden Proclamation restores monument protections for many of the areas of the Bears Ears and Cedar Mesa regions that are the focus of the work Friends of Cedar Mesa does, and that were excluded from the Bears Ears National Monument by the Trump Proclamation. In particular, the Biden Proclamation restores monument protections for the "entirety of Cedar



Mesa,” designating the entire region as “an object of scientific and historic interest.” Proc. 10285, 86 Fed. Reg. 57,321, 57,328 (Oct. 15, 2021). Not to belabor the obvious, but this is the region for which Friends of Cedar Mesa was named and the heart of our geographic area of interest. Friends of Cedar Mesa has completed service projects in and around this area, including: Indian Creek, North Cottonwood, Dry Mesa, House on Fire, Mule Canyon Village, Mule Canyon, Milk Ranch Point, Butler Wash Village, Wolfman Panel, Lower Butler Panel, Valley of the Gods, Sand Island Panels, River House, San Juan Hill, Cedar Mesa, Slickhorn Canyon, Road Canyon, Citadel, Fish Canyon, and Cottonwood Wash. The Site Stewardship Program, which was created, and continues to be run, by Friends of Cedar Mesa, monitors archaeological sites in Arch Canyon, Butler Wash, Cedar Mesa, Comb Ridge, Cottonwood Wash, Indian Creek, Mule Canyons, Riverhouse, and Sand Island. These areas are all protected under the Biden Proclamation and would lose protection if the Biden Proclamation is invalidated. With less protection for these areas, Friends of Cedar Mesa’s efforts are less likely to have a long-lasting effect.

53. Friends of Cedar Mesa’s mission is to “protect and build respect for the cultural and natural landscapes of the greater Bears Ears region.” While Friends of Cedar Mesa do not oppose all mineral development, we do advance our mission, in part, by opposing mineral development that poses an unacceptable risk to cultural and ecological resources within the greater Bears Ears region. The Biden proclamation withdraws the entire 1.36 million acre monument area from availability for oil and gas leasing pursuant to the Mineral Leasing Act. The Biden Proclamation also withdraws the entire monument area from claims made under the General Mining Law. If the Plaintiffs prevail in this action and the Biden Proclamation is invalidated, the Biden mineral withdrawal would also be invalidated and vast tracts of land that are now protected

from mineral development would again face a renewed threat of oil, natural gas, uranium, or other mineral development.

54. In fact, certain areas within the Bears Ears National Monument are currently subject to active mining claims made during the period when the Trump Proclamation was in effect. Since March 2021, at least four hardrock mining claims have been located and recorded on lands previously excluded by the Trump Proclamation. The so-called *Easy Peasy 2* and *Geitus 9, 10, 12* mining claims were all recorded at the San Juan County Recorder's office in March and April 2021. The *Easy Peasy 2* mining claim sits immediately adjacent to the *Easy Peasy* mining claim, which was located, recorded, and mined over the past few years on land excluded from the Bears Ears National Monument by the Trump Proclamation. In addition, the *Geitus 9, 10, 12* mining claims are located near the *Cedar 4* mining claim—another mining claim that was located post-Trump Proclamation—as well as a handful of other mining claims that predate the Obama Proclamation. A proposed plan of operations for the *Geitus 9, 10, 12* mining claims was submitted to BLM's Monticello field office. Indeed, eliminating the mineral withdrawal would increase the likelihood of industrial scale mineral development within the current Bears Ears National Monument and would frustrate Friends of Cedar Mesa's mission by increasing threats to cultural and ecological resources. Eliminating the mineral withdrawal would also force Friends of Cedar Mesa to divert its limited resources from collaborative resource stewardship to investigations of mineral claims, the review of expressions of interest in oil and gas leasing, the review of BLM oil and gas lease sales, the review of hard rock mineral development plans, the review of Applications for Permits to Drill, the review of the NEPA analysis required for mineral leasing and/or mineral

exploration, commenting on or administratively protesting those documents and decisions, and the litigation potentially needed to prevent harmful mineral development.

55. Similarly, the Biden Proclamation also states that “[f]orage shall not be reallocated for livestock grazing purposes unless the Secretaries specifically find that such reallocation will advance the purposes of this proclamation and Proclamation 9558.” While Friends of Cedar Mesa does not categorically oppose livestock grazing, we have worked hard to mitigate damage done by livestock grazing and do oppose any expansion of grazing that would threaten the cultural and ecological resources within the greater Bears Ears region. We believe that the Biden Proclamation provides important direction to avoid such injuries. If the Plaintiffs prevail and the Biden Proclamation is invalidated, these mandatory proclamation-based protections will cease, frustrating Friends of Cedar Mesa’s mission and forcing Friends of Cedar Mesa to divert limited staff time and financial resources to monitoring of livestock grazing, monitoring rangeland health, and reviewing annual BLM decisions to allocate available forage. Friends of Cedar Mesa will also need to redirect scarce resources to engage in relevant permitting decisions. Friends of Cedar Mesa may also need to redirect resources away from visitor education and collaborative stewardship towards other projects, like constructing fences to keep cattle away from sensitive sites, that are less likely to be required under the direction contained in the Biden Proclamation.

56. The Biden Proclamation also expressly states that monument lands “shall be managed as a unit of the National Landscape Conservation System,” and that the monument designation “shall be the dominant reservation.” By law, NLCS lands must be managed “in a manner that protects the values for which the components of the system were designated.” *See* 16 USC § 7202(c)(2). If the Plaintiffs prevail and the Biden Proclamation is invalidated, conservation

of monument resources would no longer represent the primary management objective. Instead, management of the lands excluded from the original monument will be guided by the BLM's 2008 Monticello Field Office Resource Management Plan and the Forest Service's Land and Resource Management Plan for the 1986 Manti-LaSal National Forest. These plans are outdated and emphasize multiple use management rather than protection of the cultural and ecological resources found within the greater Bears Ears region. Shifting the management focus away from conservation of cultural and ecological values would frustrate efforts to advance Friends of Cedar Mesa's mission. Starting from the lowered regulatory requirements contained in dated management plans, Friends of Cedar Mesa would need to expend more time and effort to affect resource protection. Friends of Cedar Mesa would also be forced to redirect scarce resources away from fieldwork to advocating for new designations, such as federal legislation or BLM designation of Areas of Critical Environmental Concern, in order to protect sensitive cultural and ecological resources.

57. The Biden Proclamation also directs the BLM and the Forest Service to collaboratively develop management plans for the Bears Ears National Monument. In addition to updating substantive land management requirements, this coordinated planning update represents an opportunity for Friends of Cedar Mesa to collaborate with agency partners and harmonize management direction across agencies. This would improve management efficiency and advance Friends of Cedar Mesa's organizational interests. If Plaintiffs succeed and the Biden Proclamation is invalidated, Friends of Cedar Mesa will need to expend more time and energy to work through separate but independent management frameworks. This would frustrate efforts to advance Friends of Cedar Mesa's core mission.

58. The Biden Proclamation also directs the Secretary of the Interior to explore a land exchange with the Utah School and Institutional Trust Lands Administration (SITLA). SITLA manages approximately 110,000 acres of school trust lands that are scattered across the Bears Ears National Monument in what are often isolated parcels. These parcels are managed to maximize financial returns to trust beneficiaries, Utah Code Ann. § 53C-1-102(2)(b), which conflicts with both the Biden Proclamation's direction and statutory requirements to manage monument lands to advance monument interests. Managing inholding within a national monument to generate revenue, possibly through mineral development or commercial real estate development, poses a significant threat to the integrity of the greater Bears Ears landscape. Friends of Cedar Mesa therefore supports a land exchange that removes SITLA inholdings from the Bears Ears National Monument because such an exchange would reduce a significant and tangible threat to cultural and ecological resources in the greater Bears Ears region. If the Plaintiffs prevail and the Biden Proclamation is invalidated, there will be no direction and little incentive to pursue a land exchange across this landscape. If the Plaintiffs prevail, Friends of Cedar Mesa will therefore need to expend additional time and resources, and pursue more onerous paths to address the challenges posed by development of SITLA lands.

59. Plaintiffs' lawsuit, if successful, would also impair Friends of Cedar Mesa's ability to work with BLM on projects necessary to achieve its conservation goals. As noted, lands that would be excluded from the Bears Ears National Monument should the plaintiffs prevail, including large swaths of Cedar Mesa, are not included in the NLCS. This means that any areas excluded from the Bears Ears National Monument by virtue of a court ruling in Plaintiffs' favor would no longer receive the protections set forth in the NLCS Strategy, which requires BLM "to work in

collaboration with tribes, communities, and stakeholders to manage whole landscapes.” NLCS Strategy at 5. Thus, if Plaintiffs prevail and the NLCS Strategy no longer applies to many of the areas that are the focus of Friends of Cedar Mesa’s conservation efforts, Friends of Cedar Mesa would likely be deprived of the opportunity to work closely in partnership with BLM to manage the Bears Ears landscape. Indeed, that was what happened following the Trump Proclamation: Friends of Cedar Mesa was informed that its projects with BLM in the areas excluded by the Trump Proclamation could not move forward because BLM needed to focus its resources on the Indian Creek and Shash Jáa units. Plaintiff’s lawsuit, if successful, would likely produce the same result with respect to the projects that Friends of Cedar Mesa is planning to undertake with BLM inside the President Biden-designated monument including: Grand Gulch, Newspaper Rock, Dry Wash, and Sand Island.

60. If Plaintiffs prevail in their lawsuit challenging the Biden Proclamation, much of the land currently protected by the Biden Proclamation would also experience further degradation because it would lose the protections conferred by monument status. BLM ranger attention would continue to focus on the Indian Creek and Shash Jáa units at the expense, and to the detriment, of the remaining national monument areas that have been included in the Obama and Biden Proclamations, but that were excluded by the Trump Proclamation. The increase in under-educated visitors and the absence of BLM rangers would lead—much as it did in the years following the Trump Proclamation and prior to the Biden Proclamation—to visitor and pet roaming in sensitive areas, camp sites in inappropriate areas and too close to water sources, increased activity near water sources, many groups larger than allowed sizes, increased use of

vehicles off of permitted routes, expanded parking sites, improper wood gathering in wilderness areas, expansion in the amount of fire pits, and an increase in human waste.

61. Plaintiffs' lawsuit, if successful, would also likely lead to an increase in looting at archaeological sites that would be excluded from the monument if the Biden Proclamation were to be deemed unlawful, as Plaintiffs request. As noted, following the Trump Proclamation, I observed an increase in looting at archaeological sites excluded from the monument by the Trump Proclamation. In the absence of monument protections, fewer BLM staff resources would be available to protect these cultural and historical treasures from looting.

62. In conferring monument status on the land excluded by the Trump Proclamation, the Biden Proclamation will ensure that BLM rangers have greater resources to educate casual visitors to the monument and protect the land from degradation due to increased visitation and looting. *See* Fact Sheet: President Biden Restores Protections for Three National Monuments and Renews American Leadership to Steward Lands, Water, and Cultural Resources, The White House (Oct. 7, 2021) ("In restoring the Bears Ears National Monument, the Biden-Harris Administration is committed to ensuring that there is adequate staffing and resources to appropriately protect the area's natural and cultural resources" and "to manage the increased visitation that the area continues to experience. . . . The Bureau of Land Management plans to assign additional rangers to the region." ).<sup>4</sup> A court ruling declaring the Biden Proclamation unlawful, as Plaintiffs seek here, would deprive the areas covered by the Biden Proclamation—but excluded by the Trump Proclamation—of critical resources necessary for their protection.

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<sup>4</sup> Available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/07/fact-sheet-president-biden-restores-protections-for-three-national-monuments-and-renews-american-leadership-to-steward-lands-waters-and-cultural-resources/>.

63. If the Biden Proclamation were deemed unlawful, and fewer federal resources were available to support visitor education and outreach, Friends of Cedar Mesa would once again assume the primary burden of providing visitor information for the Cedar Mesa area. Friends of Cedar Mesa would be forced to divert critical financial and staff resources away from its planned preservation efforts to support additional public education efforts and continue to advocate for national monument designation for these areas.

64. If Plaintiffs prevail, significant portions—or even all—of the land protected by the Biden Proclamation will once again lose protection from oil and gas development. The Biden Proclamation makes clear that the lands included within the Bears Ears National Monument is not subject to oil or gas development. *See* Proc. 10285, 86 Fed. Reg. 57,321, 57,331 (Oct. 15, 2021)(“All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale or other disposition under the public land laws . . . [and] from location, entry, and patent under the mining laws.”). If Plaintiffs’ lawsuit is successful, however, Cedar Mesa and other areas covered under the Biden Proclamation will lose those critical protections. A large part of Friends of Cedar Mesa’s work is fighting oil and gas development. If Plaintiffs’ lawsuit succeeds, Friends of Cedar Mesa will need to divert funds away from other initiatives to defend against oil and gas drilling in areas that lose their monument protections as a result of the lawsuit.

65. If Plaintiffs prevail in their lawsuit challenging the Biden Proclamation, much of the land I visit and intend to continue visiting within the Bears Ears National Monument will also lose critical protection against uranium development. The expansion of existing uranium operations on or near lands currently protected by the Biden Proclamation would degrade the



landscape and viewshed, and would increase traffic and noise in these areas. That would harm my recreational, aesthetic, and personal interests. I also regularly drive through these areas on my way to other destinations. Accordingly, my enjoyment of these trips would be diminished by an increase in traffic or visual degradation of the landscape due to expanded mining operations.

66. Plaintiffs' lawsuit, if successful, would also eliminate key protections for the land that I have spent and continue to spend significant amounts of time in throughout the greater Bears Ears region and, in particular, in the Cedar Mesa area. I visit, hike, and camp throughout the region and derive significant personal, recreational, and aesthetic enjoyment from these pursuits. As a trained anthropologist, with a focus on southwest archaeology, I enjoy both the natural beauty and cultural richness of the greater Bears Ears region and have dedicated my life to exploring, protecting, and sharing these resources.

67. If Plaintiffs prevail, the land I have spent countless nights and days hiking, exploring, and camping in will be stripped of the protections provided in the Biden Proclamation. These areas include: Cedar Mesa, including Grand Gulch, Slickhorn Canyon, John's Canyon, the Highway 261 corridor on top of the Mesa, and Road Canyon; Cottonwood Canyon; Valley of the Gods; Tank Mesa; and Mancos Mesa, the wildest place in the national monument. I visit all of these areas annually and have definitive plans to visit all of these areas in 2022 and beyond.

68. If Plaintiffs prevail, the removal of these protections will injure both my personal recreational and aesthetic interests, and will affect my ability to educate others and interpret cultural resource in the most archaeologically rich region in the country.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 22, 2022.

  
Vaughn Hadenfeldt

# **Exhibit A**



## CULTURAL RESOURCE DAMAGE IN SOUTHEASTERN UT & BEARS EARS REGION

### Sacred Sites Imperiled

The greater Cedar Mesa area is home to more than 56,000 archaeological sites, with the larger Bears Ears cultural landscape holding in excess of 100,000 cultural sites. Destruction of these sites and mass export of Native American artifacts from the Cedar Mesa area was part of the reason for the creation of the Antiquities Act in 1906.

After more than a century, looting and vandalism of cultural resources continues at alarming levels, causing irreparable damage to American history and great disrespect to Native American people.

Dramatic increases in visitation to cultural sites in Bears Ears, combined with a severe lack of resources for effective visitor management also create newer but no less menacing challenges.

### Types of Cultural Resource Damage in Bears Ears

**Vandalism** on our public lands can take many forms, such as intentionally knocking down walls of prehistoric structures, burning historic hogans, self-congratulatory graffiti on rock art, and using petroglyph panels for target practice. Intentionally irresponsible off-road vehicle driving can also cause significant damage to cultural sites.



Bullet holes in petroglyph panel in Butler Wash

**Looting** is the removal of archaeological resources and artifacts from their historic or prehistoric resting place. Looters steal national treasures for personal gain or pocket rare artifacts for personal display.

**Desecration of burials** is the most disturbing form of looting. "Grave robbers" dig up burial sites to look for grave goods like ceramics that were buried with the deceased. Grave robbing is a personal affront to modern day Native American descendants.



Looted burial site in Cottonwood Canyon

**Careless visitation** by uneducated hikers presents a constant threat to sacred sites in the Bears Ears region. Unsupervised children climb on walls, ignorant visitors pocket 1,000 year-old pot sherds, unleashed dogs create erosion around architectural features, fires in alcoves obscure rock art, wannabe ancients grind away prehistoric grinding slicks, and even hiking poles scar surface rock art.



Wall knocked down by careless visitor or possibly a cow.

While these impacts may seem small on an individual basis, they have significant long term effects. For example, some sites that had hundreds of pot sherds on the ground just a decade ago now have no artifacts evident at all.



## A Real & Persistent Problem

Vandalized pictograph panel in Grand Gulch  
Photo: William Doelle

Between October 2011 and June 2016, the Bureau of Land Management Monticello Field Office **investigated at least 28 incidents** of looting, vandalism and serious damage to archaeological sites in San Juan County. Those are the incidents the BLM is aware of on lands it manages and does not include incidents on Forest Service, Park Service and State Trust lands.



Looter trenches at pithouse site on Cedar Mesa.

Friends of Cedar Mesa estimates the actual number of incidents over this time frame could easily top

50 events on all public land jurisdictions in San Juan County. In just the **first**

**six months of 2016, Friends of Cedar Mesa is tracking 7 incidents** within the Bears Ears area.

**FCM estimates more than 50 incidents of looting & vandalism in San Juan County since 2011, with 7 incidents in the first 6 months of 2016.**

- April 3rd, 2016, rogue ATV riders intentionally tore up a hiking trail, leaving the trail to drive through

two archaeological sites in the Lower Fish Creek Wilderness Study area.

- In March of 2016, rock art in a cave was vandalized by modern signatures.
- In March of 2016, a modern fire ring on Muley Point was found to have been constructed out of building blocks from a 2000-3000-year old habitation site.
- During the winter of 2014/2015, a visitor (or possibly a cow) knocked down a standing wall at Double Stack Ruin on Comb Ridge.
- In 2014, vandalism was found at a 2,000 year old pictograph site in Grand Gulch.
- In 2013, a burial site in Butler Wash was desecrated by looters seeking grave goods.
- In 2012, a historic Navajo Hogan was torn down by campers for use in a campfire.
- In June of 2016, the Wolfman Panel in Butler Wash was vandalized with graffiti.



Petroglyph marred by attempted theft with rock saw and chisel.

### Recent Examples of Cultural Resource Damage in Bears Ears

- In 2015, three remote sites on Cedar Mesa were the victim of pot hunters digging in burial sites.
- In June of 2015, a reckless visitor pulled down a prehistoric wall at Monarch Cave on Comb Ridge.
- Summer of 2015, significant digging was found in a Basketmaker burial alcove in Beef Basin.
- In January of 2016, locals discovered a petroglyph partially removed from the cliff with a rock saw and chisel near Bluff.



Hogan destroyed for campfire Photo: Comb Ridge HP